

LEECH TISHMAN NELSON HARDIMAN, INC.
1100 GLENDON AVENUE, 14TH FLOOR,
LOS ANGELES, CA 90024
310.203.2727

Damian J. Martinez (SBN # 200159)
Michael (Akiva) Newborn (SBN # 305929)
LEECH TISHMAN NELSON HARDIMAN, INC.
1100 Glendon Avenue, 14th Floor
Los Angeles, California 90024
Telephone: (424) 738-4000; Facsimile: (424) 738-5080
E-mail: dmartinez@leechtishman.com

Attorneys for Non-Parties John C. Coates and Cornerstone Research Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

GIUSEPPE PAMPENA, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No.: 3:22-cv-05937-CRB

Judge: Hon. Charles R. Breyer

Magistrate Judge: Hon. Donna M. Ryu

**STIPULATION ON FILING DEADLINE
FOR JOINT DISCOVERY LETTER AND
[PROPOSED] ORDER**

Complaint Filed: October 10, 2022

Trial Date: Not Set

STIPULATION

Pursuant to Civil Local Rule 7-12, Plaintiff Giuseppe Pampena and others similarly situated (“Plaintiffs”), non-party and movant John Coates (“Coates”), and Cornerstone Research Inc. (“Cornerstone Research”) (Plaintiffs, Coates, and Cornerstone Research Inc. shall collectively be referred to hereafter as the “Stipulating Parties”) jointly stipulate as follows:

WHEREAS, on February 28, 2025, Plaintiffs served Coates a subpoena calling for his deposition testimony and production of the following documents: (1) all final expert reports that Coates authored and that any party submitted to the Court or the opposing party in *Twitter, Inc. v. Elon R. Musk, et al.* C.A. No. 2022-0613-KSJM (the “Delaware Action”), (2) all documents on which Coates relied for

1 purposes of, or which support, the opinion(s) stated in any final expert report that Coates authored and
2 that any party submitted to the Court or the opposing party in the Delaware Action, and (3) any final
3 expert reports authored by others in the Delaware Action that any party submitted to the Court or the
4 opposing party in the Delaware Action.

5 WHEREAS, on February 27, 2025, Plaintiffs served Cornerstone Research a subpoena calling for
6 its production of the following documents: (1) all final expert reports that any party submitted to the
7 Court or the opposing party in the Delaware Action, and (2) all documents on which any expert relied for
8 purposes of, or which support, the opinion(s) stated in any final expert report that any party submitted to
9 the Court or the opposing party in the Delaware Action.

10 WHEREAS, on March 19, 2025, Coates filed with this Court a motion to quash the subpoena
11 (ECF # 141). On March 25, 2025, this Court denied that motion without prejudice (ECF # 152). In that
12 order, the Court directed Coates and Plaintiffs to further meet and confer and if the parties were unable
13 to reach an agreement to file a joint letter with the Court on April 8, 2025.

14 WHEREAS, on March 31, 2025, the Stipulating Parties' respective counsel met and conferred
15 regarding the subpoenas and after doing so, both sides determined they had reached an impasse on the
16 issues presented. Further, the Stipulating Parties determined that a Joint Letter to be submitted should
17 address both: 1) Plaintiffs' subpoena to Coates, the subject of the prior Motion and Ruling and 2)
18 Plaintiffs' subpoena to Cornerstone Research. (Counsel for Coates also represents Cornerstone Research
19 in this matter.)

20 WHEREAS, on March 31, 2025, Plaintiffs and Defendant Elon Musk ("Musk") filed with this
21 Court a Joint Letter (ECF # 160) regarding Plaintiffs' demand that Musk produce the expert reports that
22 Twitter had produced to him in the Delaware Action. (ECF # 160).

23 WHEREAS, on April 7, 2025, the Court entered an order that the Stipulating Parties submit a
24 Joint Letter regarding Plaintiffs' subpoena to Coates three days after the Court issues a ruling on the Joint
25 Letter (ECF # 160) submitted by Plaintiffs and Musk.

26 WHEREAS, on May 13, 2025, the Court entered an order (ECF # 205) that Musk produce the
27 expert reports from the Delaware Action, including a report authored by Coates, by May 16, 2025.

1 WHEREAS, the Stipulating Parties believe they will be in a better position to assess their need to
2 depose Coates, and to address and/or resolve their dispute over Plaintiffs' subpoenas to Coates and
3 Cornerstone Research, after Plaintiffs have received and had sufficient time to review the expert reports
4 as produced by Musk.

5 WHEREAS, on May 15, 2025, the Stipulating Parties filed with this Court a stipulation and
6 proposed order to continue the deadline to file the Joint Letter with respect to Plaintiffs' subpoena to
7 Coates to May 28, 2025. (ECF # 209). This Court granted the stipulation and ordered the deadline to
8 file a Joint Motion be extended to May 28. (ECF # 211). Since then, counsel for the Stipulating Parties
9 met and conferred on May 21, May 23 and May 27 and have substantially narrowed the scope of their
10 dispute. More specifically, in the afternoon of May 23, Plaintiffs' counsel made a proposal to Coates'
11 counsel that potentially avoids motion practice before this Court regarding the Coates' subpoena.
12 Undersigned counsel for non-party Coates was unable to provide a response to that proposal by close of
13 business May 23 and Monday, May 26, was a holiday. On May 27, Coates' counsel was in client
14 meetings and he needed to prepare for a hearing in Los Angeles County Superior Court scheduled for
15 May 28, so he was unable to provide a response to Plaintiffs' proposal and requires additional time to do
16 so. The Stipulating Parties have conferred and agreed based on the foregoing and in the interest of
17 conserving judicial resources that good cause exists for the filing date of their Joint Letter to be further
18 postponed to June 2, 2025. The Stipulating Parties fully anticipate that no further extensions will be
19 requested and they will either resolve their dispute between themselves by the new deadline or submit a
20 Joint Letter on that date.

21 IT IS THEREFORE HEREBY STIPULATED AND AGREED by the Stipulating Parties hereto,
22 through their undersigned counsel, subject to the approval of the Court that:

- 23 1. The joint letter by Plaintiffs and Coates shall be due on June 2, 2025.
- 24 2. The fact discovery cut-off shall be extended for the limited purpose allowing Plaintiffs
25 to obtain, or seek to obtain, the document and deposition discovery described herein from Coates and/or
26 Cornerstone Research.

LEECH TISHMAN NELSON HARDIMAN, INC.
1100 GLENDON AVENUE, 14TH FLOOR,
LOS ANGELES, CA 90024
310.203.2727

DATED: May 28, 2025

/s/ Damian J. Martinez
LEECH TISHMAN NELSON HARDIMAN, INC.
Damian J. Martinez (SBN # 200159)
dmartinez@leechtishman.com
Michael (Akiva) Newborn (SBN # 305929)
mnewborn@leechtishman.com
1100 Glendon Avenue, 14th Floor
Los Angeles, California 90024
Telephone: (424) 738-4000
Facsimile: (424) 738-5080

*Attorneys for Non-Party John C. Coates and
Cornerstone Research, Inc.*

/s/ Aaron Arnzen
BOTTINI & BOTTINI, INC.
Francis A. Bottini, Jr. (SBN: 175783)
fbottini@bottinilaw.com
Albert Y. Chang (SBN 296065)
achang@bottinilaw.com
Aaron Arnzen (SBN 218272)
aarnzen@bottinilaw.com
7817 Ivanhoe Avenue, Suite 102
La Jolla, California 92037
Telephone: (858) 914-2001

COTCHETT, PITRE & MCCARTHY, LLP
Joseph W. Cotchett (SBN 36324)
jcotchett@cpmlegal.com
Mark C. Molumphy (SBN 168009)
mmolumphy@cpmlegal.com
Tyson C. Redenbarger (SBN 294424)
redenbarger@cpmlegal.com
Gia Jung (SBN 340160)
gjung@cpmlegal.com
Caroline Yuen (SBN 354388)
CYuen@cpmlegal.com
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, California 94010
Telephone: (650) 697-6000

Lead Counsel for Plaintiffs and the Class

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Damian J. Martinez, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of May 2025 at Los Angeles, California.

By /s/ Damian J. Martinez
Damian J. Martinez

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE

LEECH TISHMAN NELSON HARDIMAN, INC.
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PROOF OF SERVICE OF DOCUMENT**Case No. 3:22-cv-05937-CRB****Giuseppe Pampena, et al. v. Elon Musk****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to this action. My business address is Leech Tishman Nelson Hardiman, Inc., 1100 Glendon Avenue, 14th Floor, Los Angeles, California 90024.

On May 28, 2025, I served the attached document described as: **STIPULATION ON FILING DEADLINE FOR JOINT DISCOVERY LETTER AND [PROPOSED] ORDER** on the interested parties in this action as follows:

☐ Via US Mail: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred.

☒ Via Email: Based on a written agreement of the parties to accept service by email, I caused the document(s) to be sent to the persons at the email service addresses included on the attached service list.

☒ Via CM/ECF Electronic Filing: I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(b)(2)(E). "A Notice of Electronic Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as required by Fed.R.Civ.P.5(b)(2)(E). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing "pro se."

☒ (Federal) – I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 28, 2025
Date

Matthew Mocciano
Printed Name

/s/ Matthew Mocciano
Signature

LEECH TISHMAN NELSON HARDIMAN, INC.
1100 GLENDON AVENUE, 14TH FLOOR,
LOS ANGELES, CA 90024
310.203.2727

SERVICE LIST

COTCHETT, PITRE & MCCARTHY, LLP

Attorneys for Plaintiffs

San Francisco Airport Office Center

840 Malcolm Road, Suite 200

Burlingame, California 94010

Email: jcotchett@cpmlegal.com

mmolumphy@cpmlegal.com

tredenbarger@cpmlegal.com

gjung@cpmlegal.com

NSanguinetti@cpmlegal.com

jacosta@cpmlegal.com

zagudelo@cpmlegal.com

tredenbarger@cpmlegal.com

jtoomey@cpmlegal.com

jrabanal@cpmlegal.com,

cyuen@cpmlegal.com

BOTTINI & BOTTINI, INC.

Attorneys for Plaintiffs

7817 Ivanhoe Avenue, Suite 102

La Jolla, California 92037

Email: fbottini@bottinilaw.com

achang@bottinilaw.com

aarnzen@bottinilaw.com

sammirati@bottinilaw.com

asmith@bottinilaw.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Attorneys for Defendant

51 Madison Avenue, 22nd Floor

New York, New York 10010

Email: alexspiro@quinnemanuel.com

jessebernstein@quinnemanuel.com

jonathanfeder@quinnemanuel.com

stephenbroome@quinnemanuel.com

josephsarles@quinnemanuel.com

shawnaallison@quinnemanuel.com

calendar@quinnemanuel.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Attorneys for Defendant

865 S. Figueroa Street, 10th Floor

Los Angeles, California 90017

Email: michaellifrak@quinnemanuel.com

josephsarles@quinnemanuel.com

alexbergjans@quinnemanuel.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP
2755 E. Cottonwood Parkway, Suite 430
Salt Lake City, Utah 84121
Email: nathanarchibald@quinnemanuel.com

Attorneys for Defendant

MORGAN, LEWIS & BROCKIUS LLP
110 North Wacker Drive, Suite 2800
Chicago, IL 60606-1511
Email: christopher.boran@morganlewis.com

*Attorneys for Plaintiff The Twitter
Investment Group*

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1100 GLENDON AVENUE, 14TH FLOOR,
LOS ANGELES, CA 90024
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